



California Regulatory Notice Register

REGISTER 2007, NO. 47-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

NOVEMBER 23, 2007

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Codes — Notice File No. Z07-1113-05 1947

MULTI-COUNTY ADOPTION: Rural Counties' Environmental Services Joint Powers Authority,
Rural Health Joint Powers Authority

MULTI-COUNTY AMENDMENT: California Rural Home Mortgage Finance Authority Homebuyers Fund
California Local Government Finance Authority

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z07-1107-01 1948

STATE AGENCY: California State Library

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Labeling of Seed Containers — Notice File No. Z07-1109-03 1949

TITLE 8. DIVISION OF WORKERS' COMPENSATION

Ethical Rules for Workers' Compensation Judges — Notice File No. Z07-1108-02 1950

TITLE 11. DEPARTMENT OF JUSTICE/BUREAU OF GAMBLING CONTROL

Nonprofit Organization Fundraisers — Notice File No. Z07-1113-03 1957

TITLE 14. FISH AND GAME COMMISSION

Continuation Notice Regarding Method of Take — Notice File No. Z07-1113-04 1960

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

Esthetician Curriculum — Notice File No. Z07-1113-06 1966

TITLE 16. STRUCTURAL PEST CONTROL BOARD

Structural Integrated Pest Management/False and Misleading Advertising
— Notice File No. Z07-1113-02 1967

(Continued on next page)

***Time-
Dated
Material***

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CONSERVATION/DIVISION OF RECYCLING
*Regarding Petitioner Mr. Leonard Lang Concerning Previously Baled Material Delivered by
Certified Recycling Centers* 1969

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION
*Petition Challenging Department Operations Manual (DOM) Provisions Prohibiting Removal of Food
Items from Visiting Areas* 1970

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1972
Sections Filed, June 13, 2007 to November 14, 2007 1974

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson-West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

Information contained in this document is published as received from agencies and is not edited by Thomson West.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

MULTI-COUNTY: Rural Counties' Environmental
Services Joint Powers
Authority
Rural Health Joint Powers
Authority

AMENDMENT

MULTI-COUNTY: California Rural Home
Mortgage Finance Authority
Homebuyers Fund
California Local Government
Finance Authority

A written comment period has been established commencing on November 23, 2007, and closing on January 7, 2008. Written comments should be directed to the Fair Political Practices Commission, Attention Ashley Clarke, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than January 8, 2008. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ashley Clarke, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ashley Clarke, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: California State Library

A written comment period has been established commencing on **October 23, 2007**, and closing on **January 7, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government

Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **January 7, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Ashley Clarke**, Fair

Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to amend Section 3867 of the regulations in Title 3 of the California Code of Regulations pertaining to Labeling of Seed Containers.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 7, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary may adopt such regulations as are necessary to carry out the provisions of the Food and Agricultural Code (FAC) which he is directed or authorized to administer or enforce (FAC Section 407). Existing law provides that the Secretary may adopt regulations which will assist in carrying out the California Seed Law and may, by regulation, establish methods and procedures for the mandatory conciliation or mediation or arbitration of disputes, as a prerequisite to pursuing other dispute resolution mechanisms, between labelers and any persons concerning the conformance with label statements or advertisements and representations of quality or performance, or

causing crop loss due to disease ("fails to perform as represented") as required by law (FAC Sections 52331 and 52332).

Existing Section 3867 provides that, in addition to the information required under Sections 52451 through 52455 of the FAC, the Arbitration/Conciliation/Mediation notice shall be included upon the seed container label, with an exception for seed sold at retail for non-farm usage. The proposed amendment will delete making reference in the regulation to seed covered by FAC Section 52453(e). FAC Section 52453(e) was removed from statute January 1, 2007.

The effect of the proposed amendment will be to remove a reference to statutory authority in the regulation that no longer exists. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3867 does not impose a new mandate on local agencies or school districts.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed repeal of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

AUTHORITY

The Department proposes to amend Section 3867 pursuant to the authority vested by Sections 407, 52331 and 52332 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3867 to implement, interpret and make specific Sections 407, 52332, 52451, 52452, 52453, 52454, 52455 and 52456 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Elizabeth Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/phpps/Regulations.html).

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 8. DIVISION OF WORKERS'
COMPENSATION**

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION**

**NOTICE OF PROPOSED RULEMAKING
AND INFORMATIVE DIGEST**

**Subject Matter of Regulations: Ethical Standards
For Workers' Compensation Judges**

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation (hereinafter "Administrative Director"), exercising the authority vested in the Administrative Director by Labor Code sections 59, 123.6, 133, and 5307.3, proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation ("DWC"), proposes to amend Article 1.6 of Chapter 4.5, Subchapter 1, of Title 8, California Code of Regulations, commencing with Section 9720.1:

Amend Section 9720.1	Authority
Amend Section 9720.2	Definitions
Amend Section 9721.1	Code of Judicial Ethics
Amend Section 9721.2	Gifts, Honoraria and Travel
Adopt Section 9721.11	Requirement for Disclosure
Adopt Section 9721.12	Disqualification
Adopt Section 9721.13	What are not Grounds for Disqualification
Adopt Section 9721.21	Restriction on Investments
Amend Section 9721.31	Financial Interests in Educational Programs
Amend Section 9721.32	Duty to Report Ethics Violations
Adopt Section 9721.33	Previously Earned Compensation
Amend Section 9722.	The Workers' Compensation Ethics Advisory Committee
Amend Section 9722.1	Commencing an Investigation
Amend Section 9722.2	Investigation and Action by the Administrative Director or Court Administrator
Amend Section 9723.	Miscellaneous Provisions

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, either orally or in writing, with respect to the subjects noted above. The hearing will be held at the following time and place:

Date: January 7, 2008

Time: 10:00 a.m. to 5:00 p.m. or conclusion of business

Place: Auditorium
Hiram Johnson State Building
455 Golden Gate Avenue
San Francisco, CA 94102

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or any other type of reasonable accommodation to facilitate effective communication and program access for persons with disabilities, are available upon request. Please contact the Statewide Disabil-

ity Accommodation Coordinator, Adel Serafino, at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in the Administrative Director by Labor Code sections 59, 123.6, 133, and 5307.3.

Reference is to Labor Code Section 123.6.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Labor Code section 123.6 subjects workers' compensation administrative law judges to the California Code of Judicial Ethics. Pursuant to Labor Code section 123.6 (enacted in 1993 by AB 1252, chapter 483) the Administrative Director adopted regulations to interpret and enforce the provisions of Labor Code section 123.6. In 2002, chapter 6 (AB 749) established the position of Court Administrator, and also amended Labor Code section 123.6 to provide that the Administrative Director was to adopt regulations affecting judicial ethics, in consultation with the Court Administrator.

These proposed regulations, drafted in consultation with the Court Administrator, amend the existing judicial ethics regulations applicable to workers' compensation administrative law judges.

This proposed regulatory change implements, interprets, and makes specific Section 123.6 of the Labor Code as follows:

Section 9720.1 Authority

Outdated terms in this section are changed to reflect the current correct terminology.

Section 9720.2 Definitions

This section sets forth necessary definitions.

(a) “Code of Judicial Ethics”. This subdivision provides a definition of *Code of Judicial Ethics*. It is changed to properly identify the Code.

(c) “Complaint”. This subdivision alters the definition of complaint to refer to *ethics violations* instead of *misconduct*.

(d) “Ethics violation”. This subdivision is changed to reflect current correct terminology.

(e) “Financial interest”. This subdivision defines *financial interest* to mean a legal or equitable interest of either more than one per cent (1%) or of a fair market value in excess of two thousand dollars (\$2,000). The former definition for *referee* is now changed to a definition of *judge*, and is now in subdivision (h).

(f) “Gift”. This new definition is added to define *gift*, including rules taken from the regulations of the Fair Political Practices Commission (F.P.P.C.). It excepts from inclusion in *gift*, informational materials, gifts from relatives, campaign contributions, comestible items of nominal value not intended for an individual judge, inheritances, and personalized trophies and plaques. It excludes from inclusion within *gift*, admission, refreshments, and travel reimbursements related to events at which a judge is a speaker in the United States. It also excludes from inclusion within *gift*, complimentary admission and refreshments at legal education events to which the judge is invited, but is not a speaker.

(g) “Honorarium”. This subdivision provides a definition of *honorarium* which excludes from inclusion income from personal services, provides a definition of *teaching* similar to F.P.P.C. regulation 18932.2, and includes a presumption that teaching at a presentation to the State Bar falls within the bona fide profession of teaching.

(h) “Judge”. This subdivision provides a definition of *judge* instead of the previous *referee*. The amendment updates other language changes.

(i) “Previously earned compensation.” This subdivision provides a definition of *previously earned compensation*, to describe legal fees a judge may have earned before becoming a judge, but which are payable during the term of appointment as a judge.

(j) “Spouse”. This term is defined to include domestic partners.

(k) “Third degree of relationship.” This term is defined to specify the relatives that are to be included within the third degree of relationship, a concept taken from the civil law.

Section 9721.1 Code of Judicial Conduct or Ethics

This section provides that all workers’ compensation administrative law judges are to abide by the Code of Judicial Ethics.

Section 9721.2 Gifts, Honoraria and Travel

This section prescribes the rules governing acceptance of gifts, honoraria, and travel payments.

(a) This subdivision is changed to provide that WCALJs may not accept any gifts which they would be prohibited from accepting under the Code of Judicial Ethics or which would be prohibited to transmit to a judge under the State Bar’s Rules of Professional Conduct.

(b) This subdivision is rewritten. The prior subdivision contained the complete rules relating to honoraria and gifts. The revised subdivision (b) adopts the annual gift limit of Government Code § 89503, and the biennial adjustment of F.P.P.C. regulation 18940.2.

(c) This subdivision provides exceptions to the limit of subdivision (b). Excepted from the annual gift limit are:

1. Generally, payments for travel expense in the United States related to a governmental purpose or issue of public policy if the travel is either paid for by a government or tax exempt organization, or if the travel is related to a bar or judge function and paid for by the State Bar, an association of judges, or a state bar association.
2. Wedding gifts and the exchange of gifts of similar value on birthdays and holidays.
3. A gift from someone whose pre-existing relationship with the judge would disqualify the judge in relation to that person.

(d) This subdivision describes the situations in which travel is exempt under subdivision (c).

(e) This subdivision provides that travel payments not described earlier are subject to the gift limit.

(f) This subdivision provides that judges may not accept an honorarium unless allowed by the Court Administrator if the cost of the honorarium is paid for by attorneys who practice workers’ compensation, or if the judge would have to disclose the honorarium on the annual statement of economic interests.

(g) This subdivision provides that the section does not apply to an honorarium if it is not used, and within 30 days of receipt is either returned to the donor, or given to the State of California.

(h) This subdivision provides that the Court Administrator shall enforce this section’s provisions.

(i) This subdivision provides that judges may not accept honoraria, the cost of which is paid for by workers’ compensation attorneys, without prior written approval of the Court Administrator. It also provides that the sec-

tion does not authorize acceptance of honoraria otherwise prohibited by the Government Code §89552.

(j) This subdivision provides that honoraria for speeches or panels are allowed when the event is sponsored by a professional association of judges, the State Bar, a government, a bar association which is not comprised mostly of either defense or applicant workers' compensation attorneys, a tax exempt educational institution, a tax exempt non-profit organization, or the foreign equivalent of a tax exempt non-profit organization.

(k) This subdivision provides that a judge may apply to the Court Administrator to allow an honorarium provided by an organization not listed in subdivision (j).

(l) This subdivision provides that for honoraria allowed by the Court Administrator for a speech or panel presentation sponsored by a professional association of judges, the State Bar, a government, a tax exempt educational institution, a tax exempt non-profit organization, or the foreign equivalent of a tax exempt non-profit organization, payment is allowed for travel including reasonably necessary transportation, lodging and subsistence, provided directly in connection with the speech or panel presentation, limited to the day of, the day before, and the day after the speech or panel presentation, provided that the travel is within the United States.

(m) This subdivision provides that payment is allowed for travel, including transportation, lodging and subsistence, when paid for by a government, a foreign government, a bona fide public or private educational institution, a tax exempt non-profit organization, or the foreign equivalent of a tax exempt non-profit organization, and the travel is reasonably related to a legislative purpose or an issue of state, national, or international public policy.

(n) This subdivision provides that upon approval by the Court Administrator, payment, provision, or reimbursement for a judge's travel in connection with a speech or panel presentation sponsored by attorneys who practice workers' compensation, will be allowed for actual transportation, reasonably necessary subsistence provided directly in connection with the speech or panel presentation, but meals being limited to a meal served contemporaneously with the speech or presentation and meals consumed while traveling.

(o) This subdivision provides that payment is allowed for travel in the United States in connection with a speech or panel presentation, if the event is sponsored by a professional association of judges, the State Bar, a government, a foreign government, a bona fide public or private educational institution, a tax exempt non-profit organization, or the foreign equivalent of a tax exempt non-profit organization, for reasonably necessary transportation, lodging and subsistence, provided di-

rectly in connection with the speech or panel presentation, limited to the day of, the day before, and the day after the speech or panel presentation.

Section 9721.11 Requirement for Disclosure

This section enumerates what judges are required to disclose to parties in a case. Required disclosures are: that the judge previously served as a lawyer in the case; that the judge previously provided legal advice to a party in the case; that in the previous two years, a party or officer of a party was client of the judge; that a lawyer in the case or the lawyer's associate is a relative of the judge or judge's spouse; that the judge has actively participated in the drafting of laws involved in the case, or involved in lobbying relating to laws in the case; any information that would be relevant to the issue of disqualification; any situation known to the judge, required to be disclosed by the Code of Judicial Ethics; that the judge has a disputed workers' compensation claim against any party in the case.

Section 9721.12 Disqualification

(a) This subdivision lists reasons why a judge is disqualified in a case. Listed reasons are: that the judge has personal knowledge of evidentiary facts; that the judge served as lawyer for a party in the past two years; that the judge has actual bias in favor of or against any party and the judge has substantial doubt as to his or her capacity to be impartial; that because of physical impairment, the judge is unable to perceive evidence or properly conduct proceedings; that within the past two years, the judge served as a lawyer for an officer, director, trustee of a party; that within the past two years, the judge was associated in private practice, as an employee or on a contract basis, with a lawyer in the proceedings; that the judge, judge's spouse, or child, personally, or as a fiduciary, has a financial interest in the subject matter in a case or in a party to the case; that the judge, judge's spouse, or relative within the third degree of relationship to the judge or spouse is likely to be a material witness; that a party to the case is related within the third degree of relationship to either the judge or judge's spouse; that the judge believes that recusal would further the interests of justice or believes there is a substantial doubt as to the judge's capacity to be impartial; that the judge has actual bias against or in favor of an attorney for a party and the judge has a substantial doubt as to his or her capacity to be impartial.

This subdivision also provides that a judge is not disqualified as to other members or associates in a law firm, or as to the law firm itself, solely because of actual bias against or in favor of individual attorneys in or associated with the firm, and that actual bias in favor of or against an attorney does not in itself create the appearance of bias as to a law firm of which the attorney is a member or associate. This subdivision also provides

that a doubt of a person aware of the facts that a judge could be impartial towards a law firm or other members or associates of a law firm, based only on knowledge of a judge's bias in favor of or against an individual attorney or attorneys, is not a doubt which is reasonably entertained. This subdivision also provides that if the workers' compensation appeals board, on a petition for disqualification alleging bias against or in favor of an attorney, determines that a judge is disqualified because of the appearance of bias or because a person aware of the facts might reasonably entertain a doubt that the judge could be impartial, it shall not be presumed, either as to a law firm of which the attorney is a member or associate, or as to other members or associates of the law firm, either that there is the appearance of bias or that a person aware of the facts might reasonably entertain a doubt that the judge could be impartial.

(b) This subdivision provides that parties may waive disqualification. Waiver of disqualification is to be in writing or on the record. Attorneys may waive disqualification on behalf of their clients, except on behalf of the employee.

(c) This subdivision provides that two types disqualification may not be waived: that the judge or a relative is likely to be a witness in the case, and that the judge has served as a lawyer in the case.

Section 9721.13 What are not Grounds for Disqualification

This section sets forth factors which are not grounds for disqualification. The factors are: that the judge is or is not a member of a particular racial, ethnic, religious, gender, or sexual orientation classification; that the judge has previously expressed a view on a legal or factual issue, except for expressing an unqualified opinion on the merits of the case involved; that the judge has a policy of insurance issued by a party to the proceeding, unless the judge is involved in a pending dispute with the company; that the judge has a currently disputed or recent workers' compensation claim against one of the parties.

Section 9721.21 Restriction on Investments

This section provides that judges are restricted from owning or acquiring interests in companies that write workers' compensation insurance in California. It also provides that judges must divest interests in such companies within one year of the regulation's effective date or the date they later acquired the interest. It also provides that a judge may apply for, and the Administrative Director may grant, an extension of time to dispose of such an interest. It also provides that judges are not to acquire or hold interests in self-insured employers which are reasonably likely to appear as defendants in the district office where the judge is normally employed.

Section 9721.31 Financial Interests in Educational Programs

This section provides that judges are not permitted to own or to receive income from workers' compensation educational programs.

(a) This subdivision is changed to correct the reference from *referee* to *workers' compensation administrative law judge*.

(b) This subdivision is rewritten, with a new paragraph (2) added. The new paragraph provides that usual and customary royalties from self-published books are not considered included within revenues from educational programs. Such self-published books are not to be distributed by Division of Workers' Compensation employees, and self-publishing judges are to provide a plan to the Court Administrator for approval regarding the self-publishing.

Section 9721.32 Duty to Report Ethics Violations

This section is changed to correct the reference from *referee* to *workers' compensation administrative law judge*. The section provides that judges are to take or initiate corrective action, including reporting, for fraudulent, unprofessional, or improper conduct. It is amended to restrict the requirement of reporting to situations when the judge becomes aware of the conduct through personal knowledge or through reliable and competent information.

Section 9721.33 Previously Earned Compensation

This section provides that judges may receive compensation for services performed prior to being appointed a judge.

Section 9722 The Workers' Compensation Ethics Advisory Committee

This section is changed to correct the references from *referee* to *workers' compensation administrative law judge* and to make reference to the Court Administrator as well as to the Administrative Director.

Section 9722.1 Commencing an investigation

This section is changed to correct the references from *referee* to *workers' compensation administrative law judge* and to make reference to the Court Administrator as well as to the Administrative Director.

(b) This subdivision is changed to eliminate a restriction on inquiries by the Committee to *brief, informal, inquiries*, and to provide that the Committee may also seek information to determine if the complaint might have merit.

(c) This subdivision is changed by changing a reference to *misconduct* to *an ethics violation*.

(e) and (f) These subdivisions are deleted.

Section 9722.2 Investigation and Action by the Administrative Director

This section is changed to correct the references from *referee* to *workers' compensation administrative law*

judge and to make reference to the Court Administrator as well as to the Administrative Director.

(a) This subdivision is changed by changing *engaged in misconduct to committed an ethics violation*.

(b) This subdivision is deleted.

Section 9723 Miscellaneous Provisions

This section is changed to correct the references from *referee* to *workers' compensation administrative law judge* and to make reference to the Court Administrator as well as to the Administrative Director.

(e) This subdivision is deleted.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Administrative Director has made the following initial determinations:

- **Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:** None.
- **Adoption of this regulation will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business in California.**
- **Effect on Housing Costs:** None.
- **Cost impacts on representative private person or business:** The Administrative Director has made an initial determination that the proposed regulations will have no cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations: The regulatory changes apply only to workers' compensation administrative law judges and others exercising judicial functions within the Division of Workers' Compensation, and have no applicability to private persons or businesses.

FISCAL IMPACTS

- **Costs or savings to state agencies or costs/savings in federal funding to the State:** No costs, and no savings.
- **Mandate on Local Agencies:** None. The proposed regulations will not impose any new mandated programs or increased service levels on any local agency or school district. If there were any potential costs imposed on all public agency employers by these proposed regulations,

although not a benefit level increase, they would not be a new State mandate because the regulations apply to all employers, both public and private, and not uniquely to local governments. The Administrative Director has determined that the proposed regulations will not impose any new mandated programs on any local agency or school district. The California Supreme Court has determined that an increase in workers' compensation benefit levels does not constitute a new State mandate for the purpose of local mandate claims because the increase does not impose unique requirements on local governments. See County of Los Angeles v. State of California (1987) 43 Cal.3d 46. If there were any potential costs that might be imposed on public agency employers and payors by these proposed regulations, although not a benefit level increase, they would similarly not be a new State mandate because the regulations apply to all employers and payors, both public and private, and not uniquely to local governments.

- **Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code:** None. (See "Local Mandate" section above.)
- **Other nondiscretionary costs/savings imposed upon local agencies:** None. (See "Local Mandate" section above.)

EFFECT ON SMALL BUSINESS

The Administrative Director has determined that the proposed regulation will not affect small business because the regulations only affect workers' compensation judges.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Administrative Director must determine that no reasonable alternative considered or that has otherwise been identified and brought to the Administrative Director's attention would be more effective in carrying out the purpose for which the actions are proposed, or would be as effective and less burdensome to affected private persons than the proposed actions.

The Administrative Director invites interested persons to present reasonable alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF
PROPOSED REGULATION

Proposed regulatory language was posted on the forum website of DWC, for prepare-regulatory public comment. The proposed regulatory text has been submitted to the affected state employee collective bargaining units for their consideration and comment.

AVAILABILITY OF INITIAL STATEMENT OF
REASONS AND TEXT OF PROPOSED
REGULATION/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulation have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below or a copy will be provided upon written request.

In addition, this Notice, the Initial Statement of Reasons, and the text of regulations may be accessed and downloaded from the Department of Industrial Relations' Internet site at www.dir.ca.gov under the heading "Rulemaking-proposed regulations." Any subsequent changes in regulation text and the Final Statement of Reasons will be available at that Internet site when made.

PRESENTATION OF ORAL AND/OR
WRITTEN COMMENTS AND DEADLINE
FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present oral and/or written statements, arguments or evidence at the public hearing. If you provide a written comment, it will not be necessary to present your comment as oral testimony at the public hearing. To provide everyone a chance to speak, public testimony will be limited to 10 minutes per speaker and should be specific to the proposed regulations. Testimony which would exceed 10 minutes may be submitted in writing. In order to ensure unimpeded access for disabled individuals wishing to present comments and to facilitate the accurate transcription of public comments, camera usage will be allowed in only one area of the hearing room.

Any person may submit written comments on the proposed regulation to the DWC contact person:

Ms. Maureen Gray
Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Written comments may also be submitted by facsimile transmission (FAX), addressed to the contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail), using the following e-mail address: dwcrules@hq.dir.ca.gov

Unless submitted prior to or at the public hearing, all written comments must be received by the agency contact person, no later than 5:00 p.m. on Monday, January 7, 2008. Equal weight will be accorded to oral and written materials.

COMMENTS TRANSMITTED BY
E-MAIL OR FACSIMILE

Due to the inherent risks of non-delivery by facsimile transmission and email transmission, the Administrative Director suggests, but does not require, that a copy of any comments transmitted by facsimile transmission or email transmission also be submitted by regular mail.

Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AVAILABILITY OF RULEMAKING FILE
AND LOCATION WHERE RULEMAKING
FILE MAY BE INSPECTED

Any interested person may inspect a copy or direct questions about the proposed regulation, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file.

The rulemaking file, including the Initial Statement of Reasons, the complete text of the proposed regulation and any documents relied upon in this rulemaking may be inspected during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding public holidays) at the following location:

Division of Workers' Compensation
1515 Clay Street, 17th Floor
Oakland, California 94612

AVAILABILITY OF RULEMAKING
DOCUMENTS ON THE INTERNET

Documents concerning this proceeding are available on the Division's website: www.dir.ca.gov. To access them, click on the "Rulemaking — proposed regulations" link, then click on the "Division of Workers' Compensation regulations" link and scroll down the list of rulemaking proceedings to find the rulemaking link, "Ethical Standards For Workers' Compensation Administrative Law Judges."

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rule-making notices, requests for copies of the text of the proposed regulation, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be directed to the contact person. The contact person is:

Ms. Maureen Gray
Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The telephone number of the contact person is (510) 286-7100.

BACK-UP CONTACT PERSON/CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

To obtain responses to questions regarding the substance of the proposed regulation, or in the event the contact person is unavailable, inquiries should be directed to: Richard Starkeson, Counsel, at the same address and telephone number as noted above for the contact person.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Administrative Director makes changes to the proposed regulation as a result of the public hearing and public comment received, the modified text with changes clearly indicated will be made available for public comment for at least 15 days prior to the date on which the regulation is adopted. The modified text will be made available on the Division's website: www.dir.ca.gov and may be located by following the direction provided above.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Division's website: www.dir.ca.gov by following the directions provided above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulations will appear in Title 8, California Code of Regulations, commencing with section 9720.1.

TITLE 11. BUREAU OF GAMBLING CONTROL**NOTICE OF PROPOSED RULEMAKING****Nonprofit Organization Fundraisers; Required Forms; Registration and Operation of Fundraising Event**

The California Bureau of Gambling Control (Bureau) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Bureau proposes to adopt sections 2080, 2082, 2084, 2086, 2088, 2090, 2092, 2094, 2096, 2098, 2100, 2102, 2104, 2106, 2108, 2110, 2112, 2114, and 2116 of Title 11, Article 8 of the California Code of Regulations, concerning definitions, registration qualifications and requirements, and operation of a charitable gaming event.

PUBLIC HEARING

The Bureau will hold a public hearing starting at 10:00 a.m. on January 7, 2008, at The California Department of Consumer Affairs, 1625 N. Market Blvd. Suite South-102 Sacramento, CA 95834. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Bureau requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Bureau at any time

during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., January 7, 2008.

Written comments for the Bureau's consideration should be directed to:

Lee C. Adamson, Bureau Regulations Coordinator
Bureau of Gambling Control
1425 River Park Drive, Ste. 400
Sacramento, CA 95815
Telephone: (916) 263-3392
E-mail: lee.adamson@doj.ca.gov
FAX: (916) 263-0928

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions Code sections 19800 et seq. In particular, Business and Professions Code sections 19810, 19822(a), 19826(a), (f), 19827, 19985, 19986, and 19987.

The proposed regulations implement, interpret, or make specific following reference citations: Business and Professions Code sections 19950(b), 19985, 19986 and 19987.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Chapter 5 of Division 8 of the Business and Professions Code. Section 19800 et seq. Notwithstanding any other provision of state law a nonprofit organization may conduct a fundraiser using controlled games as a funding mechanism to further the purposes and mission of the nonprofit organization. Nonprofit organizations shall register annually with the Division of Gambling Control. The division shall furnish a registration form on its Internet Web site or, upon request, to eligible nonprofit organizations. The division shall, by regulation, collect only the information necessary pursuant to this section on this form. The division may require an eligible organization to pay an annual registration fee of up to one hundred dollars (\$100) per year to cover the actual costs of the division to administer and enforce this section. The annual registration fees shall be deposited by the division into the Gambling Control Fund. The division, by regulation or order, may require any person or entity who, directly or indirectly, manufactures, distributes, supplies, vends, leases, or otherwise provides, supplies, devices, or other equipment designed for use in the playing of controlled

games by any nonprofit organization registered to conduct controlled games, to register with the division.

Section 2080. The purpose of Section 2080 is to identify the Bureau of Gambling Control as the regulatory agency vested with the registration of nonprofit organization fundraisers in the state. This section is necessary to set out the Bureau's intent that events shall be conducted in a manner consistent with the purpose of fundraising for qualified nonprofit organizations.

Section 2082. This section mandates nonprofit organizations and suppliers of gaming equipment or services to nonprofit organizations to register with the Bureau prior to conducting a fundraising event.

Section 2084. Outlines the application for registration process and requires the nonprofit organization to utilize the Bureau's form, BGC-SP.001.

Section 2086. Outlines the application for registration requirements.

Section 2088. Outlines how the Bureau will process applications for nonprofit organization fundraisers.

Section 2090. Outlines criteria used to determine applicant ineligibility.

Section 2092. Outlines the criteria used when canceling the registration of a nonprofit organization.

Section 2094. Outlines the term of registration for a nonprofit organization to conduct a fundraiser utilizing controlled games.

Section 2096. This section requires the approved applicant to display the Bureau issued registration at the fundraising event.

Section 2098. The purpose of this section is to provide guidelines to those persons or entities (19986(b)) who act as suppliers of gaming equipment. The section also requires these persons or entities to register with the Bureau on an annual basis and utilize BGC-SP.002.

Section 2100. Outlines how the Bureau will process applications for suppliers of gaming equipment

Section 2102. Outlines the criteria used to determine ineligibility for the registration of suppliers of gaming equipment

Section 2104. This section outlines the cancellation process of a supplier of gambling equipment and/or services registration.

Section 2106. Outlines the term of registration for suppliers of gaming equipment to provide gaming equipment or services to qualified nonprofit organization's fundraisers.

Section 2108. This section requires the approved supplier of gambling equipment and/or services to display the Bureau issued registration at the fundraising event.

Section 2110. The purpose of this section is to provide applicants with general requirements for which a fundraising event is to be conducted.

Section 2112. The purpose of this section is to require applicants to display problem gambling informational signs during the event. The signs will be provided by the Bureau, at no cost to the nonprofit organization.

Section 2114. The purpose of this section is to require nonprofit organizations to report the outcome of their nonprofit organization fundraiser using controlled games to the Bureau.

Section 2116. The purpose of this section is to set guidelines for the retention of records for nonprofit organization fundraisers.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Bureau has made the following initial determinations:

Required Determinations

LOCAL MANDATE

These regulations do not impose a mandate on local agencies or school districts.

IMPACT ON PRIVATE PERSONS/BUSINESSES

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON BUSINESS

The Bureau has made a determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

IMPACT ON SMALL BUSINESS

The Bureau has made a determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting small business. The implementation of the proposed regulations will not adversely affect small business entities.

COST OR SAVINGS TO ANY STATE AGENCY

None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT THAT MUST BE REIMBURSED IN ACCORDANCE WITH GOVERNMENT CODE SECTION 17561

None.

OTHER NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES

None.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Bureau must determine that no reasonable alternative considered by the Bureau or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Bureau invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Bureau has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSON

Inquiries concerning this rulemaking should be directed to:

Lee C. Adamson, Bureau Regulations Coordinator
Bureau of Gambling Control
1425 River Park Drive, Ste. 400
Sacramento, CA 95815
Telephone: (916) 263-3392
E-mail: lee.adamson@doj.ca.gov
FAX: (916) 263-0928

Requests for a copy of the proposed text of the regulation or Initial Statement of Reasons, should be directed to:

Esther Garcia, Charitable Gaming Technician
Bureau of Gambling Control
1425 River Park Drive, Ste. 400
Sacramento, CA 95815
Telephone: (916) 263-5380
E-mail: esther.garcia@doj.ca.gov
FAX: (916) 263-0928

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Bureau Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting the Bureau Regulations Coordinator at the address, telephone number or e-mail address listed above or by accessing the Bureau's website at <http://caag.state.ca.us/gambling/index.htm>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Bureau Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following receipt of public comment, the Bureau may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Bureau adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of the Bureau Regulations Coordinator at the address indicated above. The Bureau will accept written comments on the modified regulation for 15 days after the date on which it is made available.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATIONS AND REASONS FOR REJECTING THOSE ALTERNATIVES

The Bureau is not aware of any reasonable alternatives that would as effectively achieve the regulatory

purpose of processing charitable gaming event applications and achieving compliance in situations where charitable gaming events have been requested.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

**(Continuation of California Notice Register 2007,
No. 40-Z, and Meetings of August 27, 2007,
October 12, 2007, November 2, 2007 and
December 7, 2007.)**

(NOTE: See Updated Informative Digest changes shown with strikeout/underline format.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 355, 3003.1, 3800, and 4150 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 355, 356, 2005, 2055, 3004.5, 3800, 3950, and 4150 of said Code, proposes to amend sections 353 and 475, Title 14, California Code of Regulations, relating to methods authorized for taking big game, and methods of take for nongame birds and nongame mammals.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 353, Title 14, CCR, Re: Methods Authorized for Taking Big Game

The existing regulations provide for methods to be used to take big game and traditionally, projectiles (bullets) containing lead have been used. The regulation changes proposed would require non-lead projectiles for big game hunting in the geographic area determined by the Fish and Game Commission to reduce risk of indirect lead toxicity to free-ranging California condors. Additionally, the proposed changes will reflect conformance with the recently passed AB 821 and language contained in Section 3004.5 of the Fish and Game Code. Lead-alternative projectiles are primarily made of copper, and are considered effective for hunting and are not considered to be toxic to the California condor.

The proposal will allow the Fish and Game Commission to:

1. Establish the regulatory definition of projectile. A “projectile” is defined as any bullet, ball, sabot, slug, buckshot or other device which is expelled from a firearm through a barrel by the force of any explosion. For centerfire rifles, pistols, and revolvers, “projectile” is used to replace the term “bullet”. For muzzleloaders “projectile” is used to replace the terms “ball or bullet”. Projectile definition is given to improve consistency and clarity.
2. Establish a maximum threshold of allowable lead in a projectile to account for trace elements present in the projectile production process. The Commission will determine a maximum threshold based on input from ammunition manufacturers, scientists, and the public.
3. Establish the geographic area in which non-lead projectiles would be required for big game hunting. Options for geographic area are:
 - a. ~~Current California condor range as represented by the area shown in Figure 1. Based on information available to the Department, the condor currently inhabits these areas. The area described in section 3004.5 Fish and Game Code (Figure 1).~~
 - b. Current and historical range as represented by deer hunt zones in Title 14, CCR, Section 360 as South A (Unit 110), D-7, D-8, D-9, D-10, D-11, and D-13 as shown in Figure 2. This would expand the area defined in section 3004.5 Fish and Game Code to follow the corresponding deer hunt zones. Based on information available to the Department, the condor does not currently inhabit areas of Zones D-7, D-8, or D-9.
 - c. Statewide. Based on information available to the Department, the condor does not currently inhabit the entire State.
4. Establish that it is unlawful to possess any projectile containing lead in excess of the amount permitted and a firearm capable of firing the projectile while taking or attempting to take any big game.

Since the 1980s, State, federal, and non-profit organizations have diligently worked to save and reintroduce the endangered California condor into the wilds of its former range. These conservation efforts, including substantial research investigations, have resulted in the determination that lead toxicity/lead poisoning is a factor affecting condor health and survival. The Depart-

ment mission is to conserve California’s wildlife for use and enjoyment by the public. The intent of this regulation change is to reduce the risk to the condor from lead poisoning through big game hunting activities.

**Amend Section 475, Title 14, CCR,
Re: Methods of Take for Nongame Birds
and Nongame Mammals**

The existing regulations provide for methods to be used to take nongame birds and nongame mammals; and traditionally, projectiles (bullets) containing lead have been used. The regulation changes proposed would require “non-lead” projectiles for nongame bird and mammal hunting in the geographic area determined by the Fish and Game Commission to reduce risk of indirect lead toxicity to free-ranging California condors. Additionally, the proposed changes will reflect conformance with the recently passed AB 821 and language contained in Section 3004.5 of the Fish and Game Code. For nongame species other than the coyote, an exemption to this requirement is proposed for .22 caliber or less rimfire cartridges, for which no non-lead alternative is available. Lead-alternative projectiles are primarily made of copper, and are considered effective for hunting and are not considered to be toxic to the California condor.

The proposal will allow the Fish and Game Commission to:

1. Establish the regulatory definition of projectile. A “projectile” is defined as any bullet, ball, sabot, slug, buckshot, shot, pellet or other device which is expelled from a firearm through a barrel by the force of any explosion.
2. Establish a maximum threshold of allowable lead in a projectile to account for trace elements present in the projectile production process. The Commission will determine a maximum threshold based on input from ammunition manufacturers, scientists, and the public.
3. Establish the geographic area in which non-lead projectiles would be required for nongame hunting. Options for geographic area are:
 - a. ~~Current California condor range as represented by the area shown in Figure 1. Based on information available to the Department, the condor currently inhabits these areas. The area described in section 3004.5 Fish and Game Code (Figure 1).~~

- b. Current and historical range as represented by deer hunt zones in Title 14, CCR, Section 360 as South A (Unit 110), D-7, D-8, D-9, D-10, D-11, and D-13 as shown in Figure 2. This would expand the area defined in section 3004.5 Fish and Game Code to follow the corresponding deer hunt zones. Based on information available to the Department, the condor does not currently inhabit areas of Zones D7, D8, or D9.
 - c. Statewide. Based on information available to the Department, the condor does not currently inhabit the entire State.
4. Establish that is unlawful to possess any projectile containing lead in excess of the amount permitted and a firearm capable of firing the projectile while taking or attempting to take any nongame species (exempting .22 caliber or less as described in proposed change #5 below).
 5. Exempt .22 caliber or smaller, rimfire cartridges and their projectiles from the non-lead projectile requirement. These calibers would be exempted because there are no feasible non-lead alternatives. Therefore, coyote hunting with a .22 caliber or smaller, rimfire cartridge and their projectiles is prohibited per section 3004.5, Fish and Game Code. Nongame species killed with a .22 caliber or smaller are typically small mammals that are not considered a staple food source for condors to scavenge.

Since the 1980s, State, federal, and non-profit organizations have diligently worked to save and reintroduce the endangered California condor into the wilds of its former range. These conservation efforts, including substantial research investigations, have resulted in the determination that lead toxicity/lead poisoning is a factor affecting condor health and survival. The Department mission is to conserve California's wildlife for use and enjoyment by the public. The intent of this regulation change is to reduce the risk to the condor from lead poisoning through nongame bird and nongame mammal hunting activities.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at the Department of Education, State Board Room, 1430 N. Street, Room 1101, Sacramento, California, on Friday, December 7, 2007 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 30, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-

mailed to the Commission office, must be received before 5:00 p.m. on December 4, 2007. All comments must be received no later than December 7, 2007, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Eric Loft, Wildlife Programs Branch, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following ini-

tial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Department does not believe that the proposed action will have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Based on information currently available, the Department does not believe that requiring the use of non-lead ammunition or projectiles for the hunting of big game and nongame birds and mammals in California condor range will cause any significant changes to hunting programs administered by the Department or to the public.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Ammunition retailers not offering non-lead ammunition options will likely experience a reduction in sales and revenue. Those can be mitigated by including non-lead ammunition in their sales inventory. The demand for non-lead ammunition alternatives for a variety of purposes (enforcement, security, target practice) in addition to hunting is increasing.

- (c) Cost Impacts on a Representative Private Person or Business:

Department research indicates that although the number of manufacturers currently producing non-lead ammunition is limited and the price of non-lead ammunition is higher in cost than lead ammunition, neither of these factors will result in significant adverse cost impact to California's big-game and nongame hunters:

The difference in price for a box (20 rounds) of non-lead ammunition compared to lead ammunition varies depending on caliber and ranges from \$1.00 (2%) for 7mm caliber to \$5.00 (22%) for .243 caliber.

Differences in non-lead bullet costs for reloading (50 bullets/box) ranged from \$8.60 (37%) for .270 caliber to \$11.04 (65%) for .224 caliber.

Although production may be limited at the present time, a variety of ammunition retailers do offer non-lead ammunition in most calibers used in big-game and nongame hunting.

When viewed as part of the total cost of a hunting trip however, (license, tags, food, lodging, fuel, carcass processing, taxidermy, etc.) the increased amount (up to \$5.00 for a box of ammunition and up to \$11.04 for a box of bullets) is not considered significant.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None. There has been some concern from the public that decreased hunting license sales would result, and in turn, decreased funding in federal funds available to the state through the Federal Aid in Wildlife Program (Pittman-Robertson Act). The Department of Fish and Game has no data to substantiate that this will happen, although a survey of hunters in Fall 2006 suggested some would not buy hunting licenses if this regulatory change were made.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Effect on Small Business

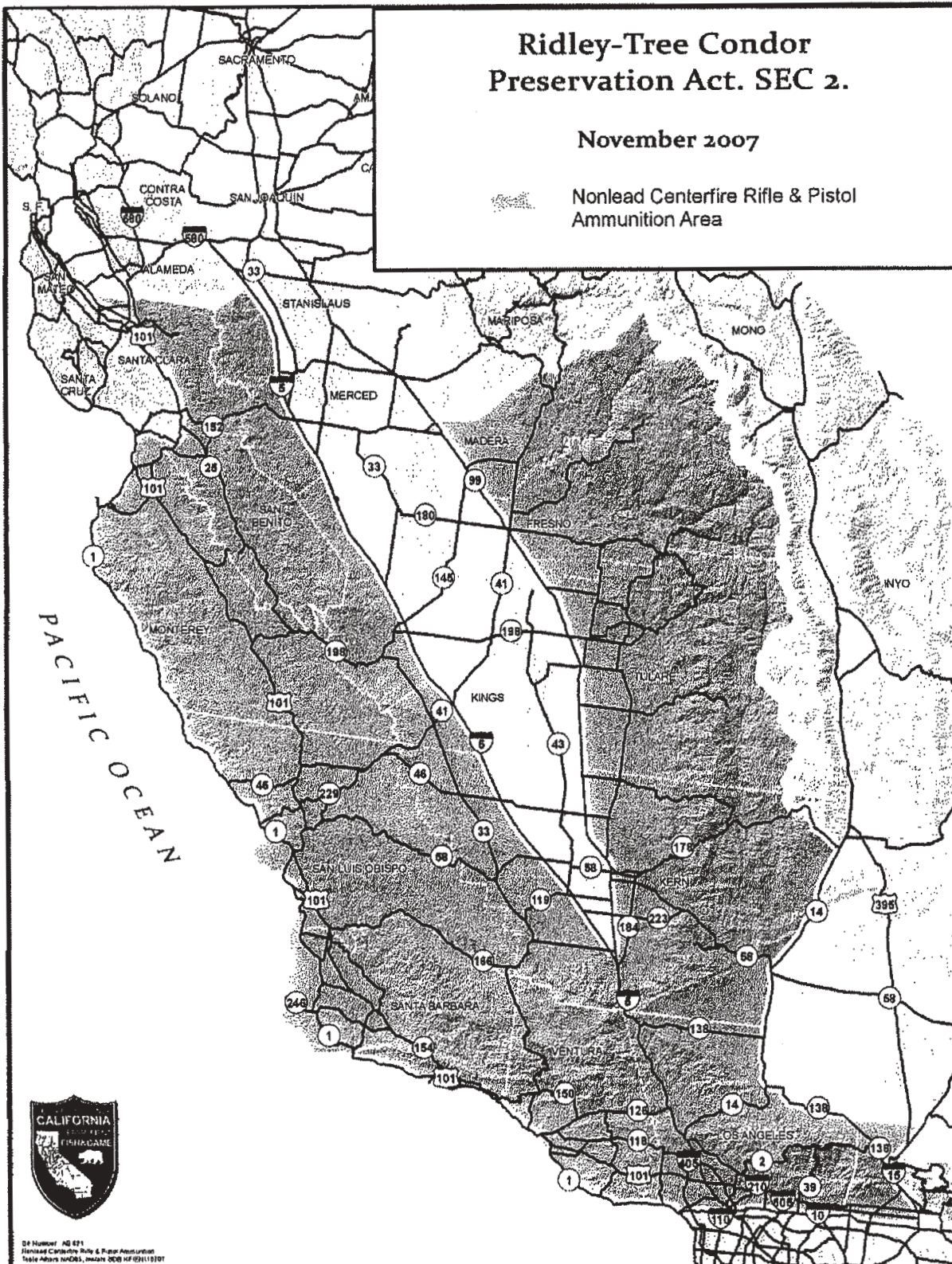
It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Figure 1. Option 3a, proposed non-lead area for nongame hunting, per 3004.5, Fish and Game Code.

[note: original Figure 1 has been deleted. For reference, it was the shaded area shown as "Condor Range" in Figure 2 below]





TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as the "Board") is proposing to take action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held at 2420 Del Paso Road, Sequoia Room, Sacramento, California 95834 at 10:00 a.m., on January 7, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on January 7, 2008 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 7312, 7362 and 7364, of the Business and Professions Code, and to implement, interpret or make specific Sections 7316, 7324, 7362, 7364 and 7389 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 950.3

Business and Professions Code, Section 7312 grants the Board authority to adopt regulations relating to the practice of barbering and cosmetology.

Business and Professions Code, Section 7316 establishes the beauty services that fall under a skin care license.

Business and Professions Code, Section 7324 provides the qualifications to take the Board's examination for estheticians.

Business and Professions Code, Section 7362 authorizes the Board to determine the required subjects of instruction to be completed by students including the

minimum number of hours of practical and technical instruction.

Business and Professions Code, Section 7364 establishes the minimum number of practical training and technical instruction hours for a school's skin care course.

Business and Professions Code, Section 7389 authorizes the Board to develop a health and safety course to be taught by approved schools.

The Board is proposing to revise its current esthetician (also referred to as skin care) curriculum. This revision is necessary to ensure that esthetician students are up-to-date on current and upcoming trends in the beauty industry.

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE

The proposed regulatory action has no cost impact in terms of increased expenses and/or savings to state agencies and/or federal funding.

NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES

None

LOCAL MANDATE

None

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTION 17561 REQUIRES REIMBURSEMENT

None

BUSINESS IMPACT

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

IMPACT ON JOBS/NEW BUSINESSES

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the proposed esthetician curriculum's contents are not significantly different from the current esthetician curriculum. The Board does not predict small businesses will have to hire additional staff nor purchase additional equipment to conform to the proposed curriculum.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Road, Suite 100, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: April Oakley
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7102
Fax No.: (916) 575-7281
E-Mail Address: April_Oakley@dca.ca.gov

The backup contact person is:

Name: Stacy Meza
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7108
Fax No.: (916) 575-7281
E-Mail Address: Stacy_Meza@dca.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can be found at www.barbercosmo.ca.gov.

**TITLE 16. STRUCTURAL PEST
CONTROL BOARD**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Hotel De Anza, 233 West Santa Clara St., San Jose, CA, at 9:00 a.m. on January 11, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office no later than 5:00 p.m. on January 10, 2008 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such

proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 8525 of the Business and Professions Code, and to implement, interpret or make specific sections 8505, 8525, and 8648 of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Adopt 1984 Structural Integrated Pest Management

Business and Professions Code Section 8505 defines structural pest control as any work for the purpose of eliminating, exterminating, controlling or preventing infestations or infections of household pests. The specific objective of this regulation is to adopt definitions of structural integrated pest management and intervention into regulation to allow for the Structural Pest Control Board (Board) to require pre and post licensing structural IPM education for the structural pest control industry.

2. Amend 1999.5 False and Misleading Advertising

Business and Professions Code Section 8648 specifies that authorizing, directing, conniving at or aiding in the publication, advertisement, distribution or circulation of any material by false statement or representation concerning a registered company's business is a ground for disciplinary action. This proposed amendment would provide an introductory statement describing the purpose of the regulation which is to protect the public from false, misleading, deceptive, or unfair representations or claims concerning structural pest control while enabling the public to receive truthful and legitimate information about those structural pest control products and services and the potential of these products and services to reduce impact to health or the environment.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Structural Pest Control Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

Section 1984 will have no affect on small businesses because the proposal is adding definitions into regulation.

Section 1999.5 will have no affect on small businesses because the proposal is adding an introductory statement and adding language to specify that certain subsections apply to Branch 3 companies only.

CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action

and has available all the information upon which the proposal is based.

**RULEMAKING PETITION
DECISIONS**

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Avenue, Suite 18, Sacramento, California 95825.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ryan Vaughn
Address: 1418 Howe Avenue, Suite 18
Sacramento, CA 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Ryan_Vaughn@dca.ca.gov

The backup contact person is:

Name: Susan Saylor
Address: 1418 Howe Avenue, Suite 18
Sacramento, CA 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Susan_Saylor@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.pestboard.ca.gov.

**DEPARTMENT OF
CONSERVATION/DIVISION OF
RECYCLING**

November 9, 2007

Mr. Leonard Lang
Upper Room Consulting, Inc.
4103 Larwin Avenue
Cypress, CA 90630-4128

Dear Mr. Lang:

**PETITION CONCERNING PREVIOUSLY BALED
MATERIAL DELIVERED BY CERTIFIED
RECYCLING CENTERS**

Thank you for your petition dated October 9, 2007 and received electronically by the Department of Conservation, Division of Recycling (Division) regarding your request to amend regulations related to the beverage container recycling program. The Division appreciates the interest and concern you have expressed in this petition.

Pursuant to Government Code Sections 11340.6 and 11340.7 of the California Administrative Procedure Act, your petition to amend Chapter 5 of Division 2 of Title 14 of the California Code of Regulations is denied.

The Division has established procedures to guide staff when inspecting loads of beverage containers delivered to a processor for California Refund Value (CRV) reimbursement. When Division staff finds previously baled aluminum or plastic beverage containers in a load, the processor's supervisory staff is asked to assist in the inspection, and samples are obtained as evidence. The associated claim is placed on a prepayment hold pending review. Division staff follows up with a site visit to the recycling center to inspect the facility and obtain consumer purchase records associated with the claim. Forensic analysis is conducted on the associated purchase records to determine if records were falsified to cover the ineligible material, with concurrence by a supervisor. Any plausible explanations (e.g., beverage containers crushed in a trash compactor) are investigated and considered. Pursuant to the California Code of Regulations (14CCR) Section 2401(b), the Division does not deem loads ineligible for CRV if the beverage containers are merely flattened. A supervisor also inspects the sample of beverage containers for concurrence. If the supervisor concurs that the beverage containers are previously baled, the Division

sion authorizes the receiving processor to deny CRV payment pursuant to 14CCR Section 2401(b).

The Division serves a notice to the recycler that specifies the reason(s) for denial of CRV payment. A recycler may also file a claim with the Board of Control to appeal the Division's determination. In summary, this process includes an initial inspection of a load by Division staff and concurrence with processor staff, supervisory concurrence that the material is previously baled, forensic analysis of the associated consumer purchase records and claim, supervisory review of the forensic analysis, notice to the recycler of the Division's determination, and a third party appeal process.

The Division undertakes this process to help processors fulfill their responsibility of inspecting loads of beverage containers for CRV eligibility. Processors frequently do not have their own staff present to inspect all loads. The Division's partnership with processors in this load inspection process also serves to alleviate some of the negative repercussions processors may receive from their customers when a load is denied, because the Division is authorizing the processor to deny CRV payment on a load based on the Division's load inspection and record review.

Your proposal to establish a standard of 15 pounds per cubic foot to define "previously baled" is not feasible. Pieces of previously baled beverage containers are not linear or in cube form, and surface area and density could not be determined when previously baled material is found upon inspection. Additionally, previously baled beverage containers are the result of a baling process conducted at a commercial facility, after they have been redeemed by a consumer. Therefore, previously baled beverage containers found in shipments are likely stolen material, previously redeemed material, or material from another state. Shipments of containers from other states are often baled to a densification less than 15 pounds per cubic foot which allows the containers to easily be separated and illegally redeemed at California's certified recycling centers. It is the Division's position that shipments that include previously baled beverage containers of any density are a significant threat to the California Beverage Container Recycling Fund, and its current implementation of 14CCR section 2401(b) is consistent with that position.

Your second proposal is to amend 14CCR section 2401(b), requiring that a load have at least 2 percent or 20 pounds of previously baled material for it to be deemed ineligible. The proposal would result in the Division authorizing CRV payment for previously baled material if load inspectors are not able to extract more than 2 percent or 20 pounds while inspecting the load. Since most processors only have one unloading area, Division staff is mindful of not impacting the normal flow of business by a long inspection process that pre-

vents other shipments from being unloaded. Typically, when Division staff finds ineligible material in a load, they only have a few minutes to obtain samples for evidence.

Your third proposal is to require an audit by the Division if the recycler is denied CRV payment for a load that includes previously baled material. A risk analysis and audit process already exists. When a recycler has submitted a claim for ineligible material, the Division visits the recycler to inspect the operations and audit the claim.

The Division also conducts a risk assessment on the recycler, which usually results in an investigative audit.

In order to fully understand the processes used by the Division in regards to load inspection at processors, prepayment controls used by the Division and risk assessment of recyclers, please contact Mr. Dennis Stone, Manager of the Investigations Section within the Division. He will be able to work with you and your clients to help explain the processes used by the Division to review questionable loads of material. Mr. Stone may be contacted by phone at (916) 323-6048.

Sincerely,

/s/

Stephen M. Bantillo

Assistant Director for Recycling

OAL REGULATORY DETERMINATIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS (Summary Disposition)

(Pursuant to Government Code Section 11340.5
and
Title 1, section 270, of the
California Code of Regulations)

Date: November 7, 2007

To: Tom F. Maniscalco

From: Chapter Two Compliance Unit

Subject: **2007 OAL DETERMINATION NO. 22(S)**
(CTU 07-0928-01)

(Issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f)(2)(E))

Petition challenging DOM provisions prohibiting removal of food items from visiting areas

On September 28, 2007, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether specific language in the Department Operations Manual (DOM) issued by the Department of Corrections and Rehabilitation (CDCR) is an underground regulation. The specific language you challenge is:

DOM section 54020.24: "Inmates and visitors may not take any food items from the visiting areas."

DOM section 54020.29: "All food items shall be consumed or disposed of at the conclusion of the visit."

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).¹ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

A rule which meets the definition of a "regulation" in Government Code section 11342.600² is required to be adopted pursuant to the APA. The DOM sections you challenge prohibit visitors and inmates from removing food items from the visiting area and require that all food items be consumed or disposed of at the conclusion of the visit. There is already in title 15 of the California Code of Regulations, at section 3170.1(g), a properly adopted regulation (filed with the Secretary of State on February 18, 2003) which prohibits visitors and inmates from taking anything from the visiting area and in doing so requires that all food items be consumed or disposed of. Section 3170.1(g) of title 15 provides:

¹ Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

(g) During contact visits, the inmate and visitor may pass, exchange, or examine any item of property or consume food either party is permitted to bring into or purchase in the visiting area, except those items that are deemed to be contraband when in the possession of the inmate. **Neither party may retain or take anything from the visiting area which the other party was permitted to bring into or purchase in the visiting area**, except legal documents as provided in section 3178, and photographs that are taken during the visit. (Emphasis added)

The DOM sections you challenge merely restate rather than further supplement or interpret this existing prohibition in title 15, California Code of Regulations, section 3170.1(g). They are not, therefore, underground regulations.³

Date: November 7, 2007

/s/
Susan Lapsley
Director

/s/
Kathleen Eddy
Senior Staff Counsel

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225

³ For this reason, pursuant to subdivision (f)(2)(E) of section 270, a rule which is included in a statutory exemption is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. (Emphasis added.)

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2007-0925-06

Hunting and Other Public Use Restrictions in State and Federal Areas

This regulatory action amends various types of public uses on wildlife areas administered by the Department of Fish and Game. It also amends the waterfowl hunt program on a number of federal wildlife refuges that the Department also administers. These amendments impose necessary use restrictions and increase public use opportunities.

Title 14

California Code of Regulations

AMEND: 550, 551, 552

Filed 11/07/2007

Effective 12/07/2007

Agency Contact: Sheri Tiemann (916) 654-9872

File# 2007-1018-01

AIR RESOURCES BOARD

On-Board Diagnostic (OBD) II

This action makes extensive updates to the On-Board Diagnostic II program (OBD II). This action is the re-submittal of previously disapproved OAL file number 07-0810-01S.

Title 13

California Code of Regulations

AMEND: 1968.2, 1968.5, 2035, 2037, 2038

Filed 11/09/2007

Effective 11/09/2007

Agency Contact: Amy Whiting (916) 322-6533

File# 2007-0926-01

AIR RESOURCES BOARD

Consumer Products

Amendments are being made to the existing Consumer Products Regulations by adding and modifying product categories and by establishing new VOC (volatile

organic compound) limits for many product categories. For some of the categories, different limits are being applied to different product forms. Various effective dates are applicable. Some of the affected products are: nail polish remover, electronic cleaners, brake cleaners, engine degreasers, floor polish or wax, automotive windshield washer fluid, bathroom and tile cleaners, laundry starch, oven cleaner, temporary hair color, carburetor or fuel-injection air intake cleaners, floor covering adhesives and general purpose cleaners (aerosol). The amendments also address other issues, such as prohibiting the use of three toxic air contaminants — methylene chloride, perchloroethylene, and trichloroethylene in the regulations on "Bathroom and Tile Cleaner," "Construction, Panel and Floor Covering Adhesive," "General Purpose Cleaner," and "Oven Cleaner."

Title 17

California Code of Regulations

AMEND: 94508, 94509, 94510, 94511, 94512, 94513, 94514, 94515, 94523

Filed 11/08/2007

Effective 12/08/2007

Agency Contact: Amy Whiting (916) 322-6533

File# 2007-0928-04

BOARD OF EQUALIZATION

Petroleum Refining Properties

This regulatory action defines "petroleum refining property" and establishes a rebuttable presumption, for purposes of recognizing declines in value, that land, improvement, and fixtures and other machinery and equipment classified as improvements constitute one appraisal unit, except when measuring declines in value caused by disaster, in which case land constitutes a separate appraisal unit.

Title 18

California Code of Regulations

ADOPT: 474

Filed 11/08/2007

Effective 12/08/2007

Agency Contact: Diane G. Olson (916) 322-9569

File# 2007-1015-05

BOARD OF FORESTRY AND FIRE PROTECTION

AB 1515, Forest Fire Prevention Exempt, 2007

Effective January 1, 2008, AB 1515 (Stats. 2007, ch. 412) makes changes to the forest fire prevention exemption in section 4584 of the Public Resources Code. This regulatory action makes changes to provisions in subsection (i) of section 1038 of title 14 of the California Code of Regulations to be consistent with the changes made by AB 1515.

Title 14
California Code of Regulations
AMEND: 1038(i)
Filed 11/13/2007
Effective 01/01/2008
Agency Contact:
Christopher Zimny (916) 653-9418

File# 2007-0925-04
BOARD OF OPTOMETRY
Forms to License An Out of State Optometrist

This regulatory submission amends section 1523 of Title 16 by adding a provision regarding applications from out-of-state optometrists who must be at least 18 years of age and apply for California licensure on two forms which are incorporated by reference.

Title 16
California Code of Regulations
AMEND: 1523
Filed 11/07/2007
Effective 11/07/2007
Agency Contact: Gary Randolph (916) 575-7173

File# 2007-0928-01
BUREAU OF HOME FURNISHINGS AND
THERMAL INSULATION
Mattresses — Open-Flame Resistance Standard

In this regulatory action, the Bureau of Home Furnishings and Thermal Insulation of the Department of Consumer Affairs amends a regulation to set forth current standards relating to mattresses and mattress sets being fire retardant and meeting open-flame resistance standards. This regulation pertains to legal requirements contained in California Business and Professions Code section 19161 and Code of Federal Regulations, Title 16, Part 1633.

Title 4
California Code of Regulations
AMEND: 1371
Filed 11/09/2007
Effective 12/09/2007
Agency Contact: April Alameda (916) 574-2442

File# 2007-0925-02
DEPARTMENT OF CORPORATIONS
CFL: Fingerprint and Criminal History Record Checks, Application Form Revisions

This action makes various amendments to the application forms and instructions used for licensure as a finance lender or broker under the California Finance Lenders Law ("CFL").

Title 10
California Code of Regulations
AMEND: 1409, 1422, 1423
Filed 11/07/2007
Effective 12/07/2007
Agency Contact: Karen Fong (916) 322-3553

File# 2007-1009-02
DEPARTMENT OF FOOD AND AGRICULTURE
Japanese Beetle Eradication Area

This regulatory action is the certificate of compliance for establishing Orange County as an area of eradication for the Japanese beetle (*Popillia japonica*).

Title 3
California Code of Regulations
AMEND: 3589
Filed 11/14/2007
Effective 11/14/2007
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1101-01
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

These proposed emergency amendments will expand three existing regulated areas in Santa Cruz, San Mateo and Monterey counties as additional quarantine areas with respect to the light brown apple moth (LBAM; *Epiphyas postvittana*). Previous filings (including File 07-0417-04E) provide further detail as to the harmful nature of the pest and its devastating destructive qualities for crops and other plants.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 11/09/2007
Effective 11/09/2007
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1004-01
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Eradication Area

In this Certificate of Compliance regulatory action, the Department of Food and Agriculture amends its regulation pertaining to the "Light Brown Apple Moth Eradication Area" to add the counties of Los Angeles and Solano to the list of counties subject to eradication measures for this pest.

Title 3
California Code of Regulations
AMEND: 3591.20
Filed 11/14/2007
Effective 11/14/2007
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-0926-02
DEPARTMENT OF MOTOR VEHICLES
Fee Adjustment

Department of Motor Vehicles proposes increases to six Title 13, section 423.00 fees. These increases are made pursuant to Vehicle Code section 1678(b), which authorizes increases of specified DMV fees on January 1 of each year adjusted for increases in the California Consumer Price Index. Effective 1-1-08.

Title 13
California Code of Regulations
AMEND: 423.00
Filed 11/08/2007
Effective 01/01/2008
Agency Contact: Christie Patrick (916) 657-5567

File# 2007-1029-02
DEPARTMENT OF PUBLIC HEALTH
SNF Nursing Staff-to-Patient Ratios

This regulatory action defines terms, sets forth nurse-to-patient staffing ratios, describes documentation and posting requirements and specifies a procedure for obtaining a waiver of the established ratio for Skilled Nursing Facilities (SNFs). Implementation is contingent on an appropriation in the annual Budget Act or another statute in accordance with Health & Safety Code section 1276.65(i). Amendments added to two sections (72077 and 72329) make them inoperative upon the implementation of two new sections (72077.1 and 72329.1). One subsection in each of these latter two sections states that implementation of the section is contingent on the appropriation. The other new section (72038) contains this same condition.

Title 22
California Code of Regulations
ADOPT: 72038, 72077.1, 72329.1 AMEND:
72077, 72329
Filed 11/08/2007
Effective 11/08/2007
Agency Contact:
Barbara S. Gallaway (916) 657-3197

File# 2007-0925-03
DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Environmental Fee

This regulatory action deals with the environmental fee required pursuant to Health & Safety Code section 25205.6.

Title 22
California Code of Regulations
ADOPT: 66269.1
Filed 11/07/2007

Effective 12/07/2007
Agency Contact: Laura Hayashi (916) 322-6409

File# 2007-0925-01
STATE WATER RESOURCES CONTROL BOARD
San Francisco Bay Mercury TMDL

On August 9, 2006, the San Francisco Bay Regional Water Quality Control Board adopted Resolution No. R2-2006-0052 amending the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan). This Basin Plan amendment establishes fish tissue objectives for mercury for the protection of human health and the protection of wildlife, removes the marine waters four-day average water quality objective for San Francisco Bay waters, and establishes the allowable annual mercury load Total Maximum Daily Load (TMDL) to San Francisco Bay, and includes actions and monitoring provisions necessary to implement the TMDL. On July 17, 2007, the State Water Resources Control Board approved this amendment under Resolution No. 2007-0045.

Title 23
California Code of Regulations
ADOPT: 3915
Filed 11/07/2007
Agency Contact: Joanne Cox (916) 341-5552

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN JUNE 13, 2007 TO
NOVEMBER 14, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1
07/09/07 AMEND: 270
06/28/07 AMEND: 2616

Title 2
10/31/07 ADOPT: 18200
10/30/07 AMEND: 1138.10, 1138.30, 1138.72,
1138.90
10/17/07 ADOPT: 2970
10/15/07 ADOPT: 2291, 2292, 2293, 2294, 2295,
2296
10/09/07 AMEND: 1896.98, 1896.99.100,
1896.99.120

10/03/07	ADOPT: 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.163.3, 1859.167 REPEAL: 1859.167.1	1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329
10/01/07	ADOPT: 1859.71.6, 1859.77.4 AMEND: 1859.2	06/20/07 ADOPT: 1859.106.1 AMEND: 1859.106 06/15/07 AMEND: div. 8, ch. 111, sec. 59560 06/13/07 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80 REPEAL: 20108.37
09/24/07	ADOPT: 18420.5	
09/24/07	ADOPT: 18361 AMEND: 18360, 18361.7	
09/20/07	ADOPT: 18466	
09/20/07	REPEAL: 18530.9	
09/11/07	ADOPT: 18440	
09/10/07	AMEND: 1183.13	
09/04/07	ADOPT: 54700	
08/31/07	ADOPT: 1859.180, 1859.181, 1859.182, 1859.183, 1859.184, Form SAB 50–11 AMEND: 1859.2, 1859.51, 1859.61, 1859.75.1, 1859.81, 1859.81.1, 1859.81.2, 1859.103, 1859.104, 1859.202, 1866, Form SAB 50–04, Form SAB 50–06	
08/31/07	AMEND: 18109, 18204.5, 18208.5, 18215.2, 18228, 18236, 18241, 18306, 18315, 18323, 18325, 18350, 18404.2, 18410, 18416, 18429, 18432, 18438, 18457, 18500, 18502, 18502.1, 18502.2, 18519.4, 18522, 18526.1, 18530.1, 18531.1, 18531.3, 18531.4, 18532, 18536.1, 18536.2, 18538, 18538.2, 18541, 18564, 18573, 18580, 18585, 18586, 18587, 18588, 18590, 18616.5, 18618, 18619, 18620, 18621, 18622, 18626, 18650, 18700.1, 18702.6, 18704.3, 18707.3, 18720, 18725, 18726, 18726.1, 18726.2, 18726.3, 18726.4, 18726.5, 18726.6, 18726.7, 18726.8, 18727, 18760, 18902, 18930.1, 18931, 18935, 18940.1, 18950.2, 18954	
08/03/07	AMEND: 58800	
08/02/07	ADOPT: 1700	
07/18/07	AMEND: 1859.2, 1859.51, 1859.61, 1859.81, 1859.202, 1866	
07/18/07	AMEND: 18361.2, 18361.4	
07/18/07	ADOPT: 7288.0, AMEND: 7288.0, 7288.1, 7288.2, 7288.3	
07/17/07	AMEND: 1859.2	
07/02/07	ADOPT: 18531.62 AMEND: 18544, 18545	
07/02/07	ADOPT: 1859.302, 1859.324.1, 1859.330 AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322,	
		Title 3
		11/14/07 AMEND: 3589 11/14/07 AMEND: 3591.20 11/09/07 AMEND: 3434(b) 11/06/07 AMEND: 3406(b) 11/01/07 AMEND: 1380.19, 1437.12 10/29/07 AMEND: 3433(b) 10/29/07 AMEND: 3406(b) 10/25/07 AMEND: 3591.20 (a & b) 10/15/07 AMEND: 3406(b) 10/03/07 AMEND: 3433(b) 09/28/07 AMEND: 3434(b) 09/25/07 AMEND: 3591.2(a) 09/24/07 ADOPT: 3591.20 09/19/07 AMEND: 3700(c) 09/17/07 AMEND: 3406(b) 09/12/07 AMEND: 3700(c) 09/11/07 AMEND: 3591.5(a) 09/11/07 AMEND: 3433(b) 09/10/07 ADOPT: 1391, 1391.1 09/05/07 ADOPT: 820.2, 820.7 AMEND: 820, 820.3, 820.4, 820.5, 820.6, 820.7 REPEAL: 820.6 08/21/07 AMEND: 3434 08/10/07 ADOPT: 3152 07/24/07 AMEND: 3591.6(a)(1) 07/23/07 AMEND: 3589(a) 07/20/07 AMEND: 3591.6(a)(1) 07/20/07 AMEND: 3423(b) 07/18/07 AMEND: 3434(b) 07/13/07 AMEND: 3591.20(a) 07/09/07 AMEND: 3433(b) 07/06/07 AMEND: 3591.2(a) 07/06/07 AMEND: 3589(a) 06/21/07 AMEND: 3434(b), 3434(c) 06/13/07 ADOPT: 6739 AMEND: 6000, 6720, 6738, 6793
		Title 4
		11/09/07 AMEND: 1371

10/25/07 ADOPT: 1747, 1748
 10/24/07 AMEND: 1486
 09/20/07 AMEND: 1844
 09/04/07 AMEND: 12205.1, 12225.1

Title 5

11/05/07 ADOPT: 18134
 10/29/07 ADOPT: 24010, 24011, 24012, 24013
 10/24/07 ADOPT: 11996, 11996.1, 11996.2, 11996.3, 11996.4, 11996.5, 11996.6, 11996.7, 11996.8, 11996.9, 11996.10, 11996.11
 10/02/07 AMEND: 80001
 10/01/07 AMEND: 43726
 09/24/07 ADOPT: 17604.1, 17605.1, 17624, 17630.1, 17638, 17639, 17643, 17644, 17650 AMEND : 17600, 17601, 17602, 17603, 17604, 17605, 17606, 17607, 17608, 17609, 17625, 17626, 17627, 17628, 17629, 17630.2, 17631, 17632, 17640, 17641, 17642, 17646, 17648 REPEAL: 17633, 17634, 17645, 17647, 17649
 09/10/07 ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854
 08/27/07 ADOPT: 9517.2
 08/23/07 AMEND: 42000, 42002, 42003, 42005, 42006, 42007, 42008, 42009, 42010, 42011, 42012, 42013, 42018, 42019
 08/16/07 ADOPT: 18096 AMEND: 18078, 18081, 18084, 18085, 18089, 18090, 18100, 18107
 08/13/07 ADOPT: 17660, 17661, 17662, 17663, 17664, 17665, 17666, 17667
 08/09/07 AMEND: 80124, 80125
 07/31/07 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
 07/27/07 AMEND: 50500
 07/20/07 ADOPT: 58520
 07/17/07 ADOPT: 52000, 52010, 55003, 55007, 55020, 55021, 55022, 55023, 55024, 55025, 55030, 55031, 55032, 55033, 55034, 55035, 55040, 55041, 55042, 55043, 55044, 55050, 55051, 55052, 55060, 55061, 55062, 55063, 55064, 55070, 55072, 55080, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243,

55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161, 58161.5 AMEND: 55000, 55000.5, 55002, 55002.5, 55005, 55006, 55250, 55250.2, 55250.3, 55250.4, 55250.6, 55250.7, 55252, 55253, 55256, 55257, 55500, 55502, 55510, 55514, 55518, 55521, 55523, 55530, 55600, 55601, 55602.5, 55605, 55630, 55700, 55701, 55702, 55720, 55732, 56029, 58003.1, 58007, 58009, 58051 REPEAL: 55004, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161
 07/17/07 AMEND: 58704, 58770, 58771.4, 58774, 58776, 58777 REPEAL: 58785

Title 8

11/05/07 AMEND: 4324
 10/31/07 AMEND: 1704
 10/30/07 AMEND: 1532.2, 5203, 5206, 8359
 10/23/07 ADOPT: 3324
 10/10/07 ADOPT: 5349, 5350, 5351, 5352, 5353, 5354, 5355.1 AMEND: 5355, 5356, 5357, 5358
 10/10/07 AMEND: 4884
 10/09/07 AMEND: 2320.2
 10/03/07 ADOPT: 3458.1

08/22/07 AMEND: 14300.10, 14300.12,
14300.29, 14300.46
08/21/07 AMEND: 1740
07/23/07 ADOPT: 32993 AMEND: 32990, 32992,
32994, 32995, 32996, 32997 REPEAL:
32991, 32993
06/19/07 AMEND: 212.01
06/15/07 ADOPT: 9792.20, 9792.21, 9792.22,
9792.23

Title 9

08/27/07 AMEND: 7128
08/23/07 ADOPT: 3100, 3200.010, 3200.020,
3200.030, 3200.040, 3200.050,
3200.060, 3200.070, 3200.080,
3200.090, 3200.100, 3200.110,
3200.120, 3200.130, 3200.140,
3200.150, 3200.160, 3200.170,
3200.180, 3200.190, 3200.210,
3200.220, 3200.230, 3200.240,
3200.250, 3200.260, 3200.270,
3200.280, 3200.300, 3200.310, 3300,
3310, 3315, 3320, 3350, 3360, 3400,
3410, 3500, 3505, 3510, 3520, 3530,
3530.10, 3530.20, 3530.30, 3530.40,
3540, 3610, 3615, 3620, 3620.05,
3620.10, 3630, 3640, 3650 REPEAL:
3100, 3200.000, 3200.010, 3200.020,
3200.030, 3200.040, 3200.050,
3200.060, 3200.070, 3200.080,
3200.090, 3200.100, 3200.110,
3200.120, 3200.130, 3200.140,
3200.150, 3200.160, 3310, 3400, 3405,
3410, 3415

Title 10

11/07/07 AMEND: 1409, 1422, 1423
11/02/07 AMEND: 2498.6
10/31/07 AMEND: 2318.6, 2353.1
10/10/07 AMEND: 2498.6
10/10/07 AMEND: 2218.63(b)
10/09/07 AMEND: 5.2001
09/19/07 ADOPT: 2538.1, 2538.2, 2538.3, 2538.4,
2538.5, 2538.6, 2538.7, 2538.8
09/17/07 AMEND: 2498.6
08/29/07 ADOPT: 2842 AMEND: 2848
08/29/07 ADOPT: 3007.05, 3007.2 AMEND:
2805, 2809.3, 2840, 2849.01, 3005,
3006, 3007.3, 3011.4 REPEAL: 2840.1
08/20/07 ADOPT: 2105.1, 2105.2, 2105.3, 2105.4,
2105.5, 2105.6, 2105.7, 2105.8, 2105.9,
2105.10, 2105.11, 2105.12, 2105.13,
2105.14, 2105.15, 2105.16, 2105.17,
2105.18, 2105.19

08/13/07 ADOPT: 5357, 5357.1, 5357.2, 5358,
5358.1 AMEND: 5350, 5352
07/31/07 AMEND: 2699.205, 2699.6600,
2699.6607, 2699.6608, 2699.6613,
2699.6629, 2699.6813
07/26/07 ADOPT: 2355.1, 2355.2, 2355.3, 2355.4,
2355.5, 2355.6, 2355.7, 2355.8, 2356.1,
2356.2, 2356.3, 2356.4, 2356.5, 2356.6,
2356.7, 2356.8, 2356.9, 2357.1, 2357.2,
2357.3, 2357.4, 2357.5, 2357.6, 2357.7,
2357.8, 2357.9, 2357.10, 2357.11,
2357.12, 2357.13, 2357.14, 2357.15,
2357.16, 2357.17, 2357.18, 2357.19,
2358.1, 2358.2, 2358.3, 2358.4, 2358.5,
2358.6, 2358.7, 2358.8, 2358.9, 2359.1,
2359.2, 2359.3, 2359.4, 2359.5, 2359.6,
2359.7 REPEAL: 2555, 2555.1, 2556,
2556.1, 2556.2
07/09/07 AMEND: 260.140.8, 260.140.41,
260.140.42, 260.140.45, 260.140.46
06/28/07 AMEND: 2498.4.9
06/28/07 AMEND: 2498.4.9
06/28/07 AMEND: 2498.6
06/28/07 AMEND: 2498.5
06/28/07 AMEND: 2498.4.9
06/28/07 AMEND: 2498.6
06/28/07 AMEND: 2498.6
06/28/07 AMEND: 2498.6
06/28/07 AMEND: 2498.6
06/28/07 AMEND: 2498.4.9
06/28/07 AMEND: 2498.5

Title 11

10/15/07 AMEND: 1053, 1054, 1055, 1058, 1070
09/28/07 AMEND: 51.19
08/08/07 AMEND: 1005, 1007, 1008
08/01/07 AMEND: 1070, 1081, 1082
08/01/07 AMEND: 1070, 1081, 1082
07/31/07 ADOPT: 999.100, 999.101, 999.102,
999.108, 999.114, 999.115, 999.121,
999.122, 999.128, 999.129, 999.130,
999.131, 999.132, 999.133, 999.134,
999.135, 999.136, 999.137, 999.138,
999.139, 999.140, 999.141, 999.142,
999.143, 999.144, 999.145, 999.146,
999.147, 999.148, 999.149, 999.150,
999.151, 999.152, 999.153, 999.154,
999.165, 999.166, 999.167, 999.168,
999.169, 999.170, 999.171, 999.172,
999.173, 999.174, 999.175, 999.176,
999.177, 999.178, 999.179, 999.190,

999.191, 999.192, 999.193, 999.194, 999.195, 999.196, 999.197, 999.203, 999.204, 999.205, 999.206, 999.207, 999.208, 999.209, 999.210, 999.211, 999.217, 999.218, 999.219, 999.220, 999.221, 999.222, 999.223		Title 13, 17 09/12/07 ADOPT: 93116.3.1 of title 17 AMEND: 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, and 2462 of title 13, 93116.1, 93116.2, and 93116.3 of title 17 06/15/07 AMEND: Title 13, 1969, Title 17, 60060.2, 60060.11, 60060.15, 60060.16, 60060.17, 60060.18, 60060.22, 60060.29, 60060.32, 60060.33, 60060.34
Title 13		Title 14
11/09/07 AMEND: 1968.2, 1968.5, 2035, 2037, 2038		11/13/07 AMEND: 1038(i)
11/08/07 AMEND: 423.00		11/07/07 AMEND: 550, 551, 552
10/23/07 AMEND: 156.00		11/05/07 AMEND: 825.05
10/22/07 AMEND: 1090		10/25/07 AMEND: 502
10/17/07 AMEND: 811, 813		10/24/07 AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9
10/16/07 AMEND: 425.01		10/16/07 ADOPT: 1.46, 28.38, 28.41, 28.42 AMEND: 1.17, 1.59, 27.60, 27.90, 28.59, 159, 195
10/15/07 AMEND: 2023.1, 2023.3, 2023.4		10/12/07 AMEND: 815.05
10/12/07 AMEND: 1201, 1212, 1212.5, 1213, 1234		10/09/07 AMEND: 29.85
09/18/07 AMEND: 125.02, 125.04, 125.08, 125.12, 125.16, 125.20		09/19/07 AMEND: 502, 509
09/11/07 AMEND: 1956.1, 1956.8		08/29/07 AMEND: 251.7, 257, 300, 600
08/22/07 ADOPT: 1300, 1400, 1401, 1402, 1403, 1404, 1405 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425, and Article 15 text		08/22/07 AMEND: 165, 245—App. A, 632
08/21/07 AMEND: 932, 934.1		07/30/07 ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5
08/07/07 AMEND: 794		07/27/07 ADOPT: 15155, 15190.5, 15191, 15192, 15193, 15194, 15195, 15196, AMEND: 15053, 15061, 15062, 15072, 15073, 15074, 15082, 15087, 15105, 15179, 15180, 15186 REPEAL: 15083.5
07/25/07 AMEND: 156.00		07/19/07 AMEND: 4970.50
07/16/07 AMEND: 2111, 2112, 2411, 2412, 2413, 2415		07/17/07 AMEND: 2305, 2310, 2320
07/13/07 AMEND: 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610 REPEAL: 2611		07/10/07 AMEND: 4970.50, 4970.53, 4970.55, 4970.62, 4970.63, 4970.64
07/13/07 AMEND: 330.08		06/21/07 ADOPT: 2850 AMEND: 2090, 2425, 2530 REPEAL: 2850
07/11/07 ADOPT: 150.08		06/21/07 AMEND: 7.50(b)(91.1)
07/09/07 AMEND: 225.18, 225.39, 225.45, 225.54 and 225.63		06/20/07 AMEND: 3696.5
06/29/07 AMEND: 181.00		06/18/07 AMEND: 17210.2, 17210.4, 17855.2, 17862, 17867
		Title 14, 27
		10/17/07 Title 14: 18050, 18051, 18060, 18070, 18072, 18075, 18077, 18078, 18081, 18104.4, 18105.4, 18105.6, 18209, 18304, 18304.2, 18306, 18307, 18831 Title 27: 21563, 21615, 21620, 21650, 21680

Title 15

10/22/07 REPEAL: 3999.1.8, 3999.1.9, 3999.1.10, 3999.1.11
 10/18/07 ADOPT: 3486 AMEND: 3482, 3484, 3485
 10/16/07 AMEND: 3000, 3045.2, 3170.1, 3176, 3177, 3815
 10/09/07 ADOPT: 2536.1
 10/01/07 ADOPT: 3075.4 AMEND: 3000
 09/05/07 AMEND: 3000, 3315, 3323, 3341.5
 08/13/07 AMEND: 3190, 3191
 06/26/07 ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4, 4036 REPEAL: 4040
 06/18/07 ADOPT: 1363 AMEND: 1300, 1302, 1303, 1304, 1311, 1312, 1314, 1320, 1321, 1323, 1324, 1325, 1340, 1341, 1342, 1343, 1350, 1353, 1357, 1360, 1361, 1370, 1374, 1375, 1377, 1378, 1390, 1407, 1437, 1438, 1439, 1450, 1461, 1462, 1480, 1501

Title 16

11/07/07 AMEND: 1523
 11/02/07 ADOPT: 4440, 4442, 4444, 4446, 4448, 4450, 4452, 4470, 4472, 4474, 4476, 4478, 4480, 4482, 4484

 10/31/07 AMEND: 1707.2
 10/05/07 AMEND: 306, 306.1, 310, 390, 390.2, 390.3, 390.4, 390.5
 10/04/07 AMEND: 1399.678
 10/01/07 AMEND: 3394.6
 09/20/07 AMEND: 2649
 09/17/07 ADOPT: 973, 973.1, 973.2, 973.3, 973.4, 973.5, 973.6
 09/11/07 AMEND: 950.10
 09/11/07 ADOPT: 2520.4, 2520.5, 2577.5, 2577.6 AMEND: 2518.6, 2523, 2523.2, 2523.5, 2523.6, 2576.6, 2579.2, 2579.4, 2579.7, 2579.8 REPEAL: 2523.1, 2579.3
 08/28/07 ADOPT: 1351.1
 08/28/07 ADOPT: 1315.03, 1326 AMEND: 1325.4
 08/03/07 AMEND: 1399.541
 08/03/07 AMEND: 2036, 2036.5
 08/01/07 AMEND: 3340.16, 3340.42, 3392.2
 07/16/07 AMEND: 2670
 07/12/07 AMEND: 160
 07/11/07 AMEND: 68.3, 68.4, 88, 88.1, 88.2, 89, 99
 07/10/07 AMEND: 4114
 07/03/07 ADOPT: 4152.1
 06/22/07 AMEND: 1399.170.11
 06/20/07 AMEND: 3303.1
 06/15/07 AMEND: 2070, 2071

Title 17

11/08/07 AMEND: 94508, 94509, 94510, 94511, 94512, 94513, 94514, 94515, 94523
 10/29/07 AMEND: 93119
 09/24/07 ADOPT: 93102.1, 93102.2, 93102.3, 93102.4, 93102.5, 93102.6, 93102.7, 93102.8, 93102.9, 93102.10, 93102.11, 93102.12, 93102.13, 93102.14, 93102.15, and 93102.16 AMEND: 93102
 09/18/07 ADOPT: 93115.1, 93115.2, 93115.3, 93115.4, 93115.5, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.11, 93115.12, 93115.13, 93115.14, 93115.15 AMEND: 93115
 08/28/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77
 08/27/07 AMEND: 93300.5
 08/08/07 ADOPT: 94201.1 AMEND: 94201, 94202, 94203, 94204, 94207, 94208, 94209, 94210, 94211, 94212
 07/30/07 AMEND: 2500, 2502, 2505
 07/24/07 ADOPT: 100085
 07/11/07 AMEND: 30315.33, 30316.60, 30317, 30319.20
 06/27/07 AMEND: 54342
 06/26/07 AMEND: 60201, 60202, 60205, 60210
 06/14/07 ADOPT: 100300, 100301, 100302, 100303, 100304, 100305, 100306, 100308, 100309, 100310

Title 18

11/08/07 ADOPT: 474
 07/30/07 AMEND: 1591.2
 07/30/07 AMEND: 1591
 07/30/07 AMEND: 1591.4
 07/26/07 AMEND: 1586
 07/16/07 AMEND: 1603
 07/10/07 AMEND: 1660
 07/02/07 AMEND: 17952
 06/20/07 ADOPT: 25137-14

Title 19

10/31/07 AMEND: 2040
 10/01/07 AMEND: 2600

Title 20

10/16/07 ADOPT: 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913
 08/22/07 AMEND: 1602, 1604, 1606, 1607
 07/03/07 ADOPT: 1233.5, 1234, 1236.5, 1311, 1346, 1349, 2508 AMEND: 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1301,

1302, 1303, 1304, 1305, 1306, 1307,
1308, 1309, 1310, 1341, 1342, 1343,
1344, 1345, 1347, 1348, 1350, 1351,
2501, 2502, 2503, 2504, 2505, 2506,
2507 REPEAL: 1340

Title 22

11/08/07 ADOPT: 72038, 72077.1, 72329.1
AMEND: 72077, 72329
11/07/07 ADOPT: 66269.1
11/06/07 AMEND: 51003(e) REPEAL: 51307,
51506.2
10/23/07 AMEND: 4400, 4409.1, 4415 REPEAL:
4440.1
10/18/07 AMEND: 67391.1
10/16/07 AMEND: 10100 REPEAL: 10101
10/03/07 AMEND: 67386.5, 67386.6, 67386.11
09/18/07 ADOPT: 64432.3, 64432.8 AMEND:
64413.1, 64431, 64432, 64447.2,
64463.1, 64465, 64481 REPEAL: 64450
09/06/07 ADOPT: 66270.69.2 AMEND: 66270.67
(renumber to 66270.69.5), 66270.69
(renumber to 66270.69.1), 67800.1
(renumber to 66270.69.3), 67800.5
(renumber to 66270.69.4)
09/05/07 AMEND: 4427
08/31/07 AMEND: 12805
08/08/07 ADOPT: 96040, 96041, 96042, 96043,
96044, 96045, 96046, 96050 AMEND:
96000
07/18/07 AMEND: 4401.5 REPEAL: 4401, 4402,
4432, 4441
07/18/07 ADOPT: 69109 AMEND: 69100, 69101,
69102, 69103, 69104, 69105, 69106,
69107, 69108
07/16/07 ADOPT: 50966 AMEND: 50961, 50962
06/18/07 ADOPT: 67386.5, 67386.6, 67386.7,
67386.8, 67386.9, 67386.10, 67386.11,
67386.12 AMEND: 66261.9.5,
Appendix XII, 67386.1, 67386.2,
67386.3, 67386.4

Title 22, MPP

08/07/07 ADOPT: 86500, 86501, 86505, 86505.1,
86506, 86507, 86508, 86509, 86510,

86511, 86512, 86517, 86518, 86519,
86519.1, 86519.2, 86520, 86521, 86522,
86523, 86524, 86526, 86527, 86528,
86529, 86531, 86531.1, 86531.2, 86534,
86535, 86536, 86540, 86542, 86544,
86545, 86546, 86552, 86553, 86554,
86555, 86555.1, 86558, 86559, 86561,
86562, 86563, 86564, 86565, 86565.2,
86565.5, 86566, 86568.1, 86568.2,
86568.4, 86570, 86572, 86572.1,
86572.2, 86574, 86575, 86576, 86577,
86578, 86578.1, 86579, 86580, 86586,
86587, 86587.1, 86587.2, 86588
AMEND: 11-400c, 11-402, 45-101(c),
45-202.5, 45-203.4, 45-301.1

Title 23

11/07/07 ADOPT: 3915
09/04/07 AMEND: 2053
08/27/07 AMEND: 2200, 2200.2, 2200.3, 2200.4,
2200.6 REPEAL: 2201
08/21/07 ADOPT: 3979.2
08/20/07 ADOPT: 3979.3
08/16/07 ADOPT: 3939.26
08/15/07 AMEND: 3939.10
08/14/07 ADOPT: 3939.25
08/09/07 ADOPT: 3949.4
08/02/07 ADOPT: 3967
06/27/07 ADOPT: 3002
06/19/07 ADOPT: 3949.3

Title 25

07/06/07 AMEND: 5060, 5061, 5062, 5064, 5520,
5521, 5530, 5540.1, 5575

Title 27

08/21/07 ADOPT: 20939 AMEND: 20918, 20919,
20920, 29021, 20923, 20925, 20931,
20932, 20933, 20934, 20937 REPEAL:
20919.5

Title MPP

07/30/07 AMEND: 47-201, 47-401
06/26/07 AMEND: 40-118, 43-103, 44-209,
80-301, 82-808
06/25/07 AMEND: 47-110 and 47-301